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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,458	09/10/2003	Otto Gossweiler	024911-00004	2229

7590 08/23/2004

ARENT FOX KINTNER PLOTKIN & KAHN, PLLC
Suite 400
1050 Connecticut Avenue, NW
Washington, DC 20036-5336

EXAMINER

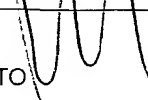
PATEL, NIHIR B

ART UNIT PAPER NUMBER

3743

DATE MAILED: 08/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/658,458	Applicant(s) GOSSWEILER, OTTO 	
	Examiner Nihir Patel	Art Unit 3743	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-33 is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Menin et al. US Pub.

No. 2001/0047834 A1. Menin discloses an assembly with a gate valve and device for the circulation and distribution of fluid comprising such as assembly that comprises a first valve inlet tube 3 (see figure 1) defining and enclosing a first valve inlet cavity (see figure 1); a second valve inlet tube 3' (see figure 1) defining and enclosing a second valve inlet cavity (see figure 1); a valve outlet tube 2 (see figure 1) defining and enclosing an outlet cavity, the valve outlet tube 2 communicating with the first valve inlet tube and the second valve inlet tube; and a flap valve 4 (see figure 1) actuatable between a first position and a second position; wherein the second valve inlet cavity and the outlet cavity define a first flow path when the flap valve is in the first position, and the first valve inlet cavity and the outlet cavity define a second flow path when the flap valve is in the second position.

Referring to claim 2, Menin discloses an apparatus wherein the first valve inlet tube, the second valve inlet tube, and the valve outlet tube are coupled in a Y-shaped configuration (see figure 1).

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Referring to claim 3, Menin discloses an apparatus wherein the flap valve sealably closes an opening between the first valve inlet cavity and the outlet cavity when the flap valve is in the first position (see figure 1).

Referring to claim 4, Menin discloses an apparatus wherein the flap valve sealably closes an opening between the second valve inlet cavity and the outlet cavity when the flap valve is in the second position (see figure 1).

Referring to claim 5, Menin discloses an apparatus that further comprises an actuator to actuate the flap valve between the first position and the second position (see figure 10).

Referring to claim 6, Menin discloses an apparatus wherein the actuator is selected from group consisting of a pneumatic actuator, an electric actuator, a mechanical actuator, and a magnetic actuator (see page 2 section 0029).

Allowable Subject Matter

Claims 7 through 33 are allowed.

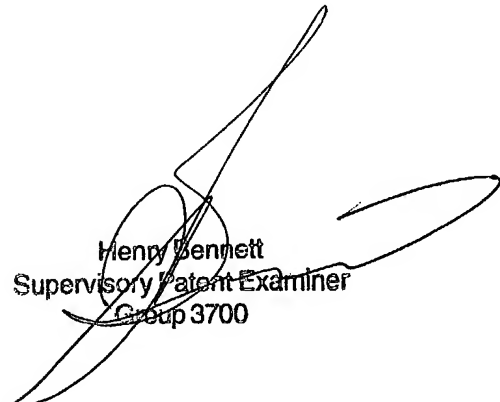
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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Nihir Patel whose telephone number is (703) 306-3463. The examiner can normally be reached on Monday-Friday from 7:30 am to 4:30 pm. If attempts to reach the examiner by telephone are unsuccessful the examiner supervisor Henry Bennett can be reached at (703) 308-0101.

NP
August 18th, 2004



Henry Bennett
Supervisory Patent Examiner
Group 3700